

REMARKS

Claims 12-17 were added as new claims in Applicant's prior response and were included to further refine the claimed invention. However, the Office Action Summary and the Examiner's Detailed Action failed to acknowledge the existence of claims 12-17. Applicant submits that claims 12-17 recited statutory matter under 35 U.S.C. §101 are in condition for allowance and respectfully requests the same.

Claims 1-11 stand rejected under 35 U.S.C. §101. The Examiner asserts the claimed invention is directed to non-statutory subject matter. Applicant submits that claims 1-11 are statutory as set out below. Applicant is sincerely interested in forwarding the prosecution of the present case. In the pending and preceding office actions the Examiner's comment have been very brief and it is difficult to determine how the Examiner is interpreting the claim set. Accordingly, Applicant would sincerely appreciate an office action, which clearly lays out the Examiner's prima facie case, expressly stating how the claims have been interpreted to support the 35 U.S.C. §101 rejection, should the Examiner choose to maintain the rejection. See M.P.E.P. § 2106.

Applicant respectfully submits that claims 1-11 recite statutory subject matter. In State Street Bank & Trust Co. v. Signature Fin. Group Inc., 149 F.3d 1368 (Fed. Cir 1998) the court held that the transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price constituted a practical application of a mathematical algorithm, formula or calculation, because it produces "a useful, concrete and tangible result"—a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon regulatory authorities and in subsequent trades. Applicant respectfully suggests the "providing evaluation of success of training" is equivalent to providing

a final share price in State Street. The evaluation is momentarily fixed for recording and reporting purposes and may even be relied on in subsequent decisions regarding promotions. Accordingly, Applicant respectfully submits that claims 1-11 are statutory under 35 USC §101 because the system produces a useful, concrete and tangible result.

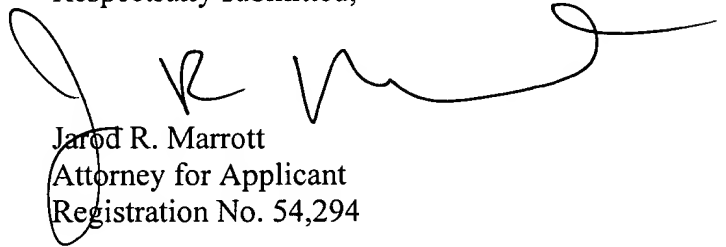
Further, the application recites claim limitations that are comprised of training, a lesson-plan matrix for integrating the training into the environment or curriculum, activities that occurs in a computer, and an evaluation based on success of the training. Each of the claim limitations produces the concrete and tangible results of the training and integration of the training. The application's claims contain limitation that produces professional development, such as improving a teacher's effectiveness, and maximizing students' ability to learn. Because the systems of the present invention produce useful, concrete and tangible results claims 1-11 recite statutory subject matter.

CONCLUSION

Based on the foregoing, Applicant submits that the claims are now in condition for allowance and respectfully requests the same. If any impediments to the allowance of this application remain after consideration of the foregoing remarks, the Examiner is invited to initiate a telephone conference with the undersigned counsel of record.

Dated this 29 day of April, 2005.

Respectfully submitted,



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